

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #2	CCRB Case #: 201909753	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/07/2019 5:00 PM	Location of Incident: 2055 East 14th Street	Precinct: 61	18 Mo. SOL 5/7/2021	EO SOL 12/22/2021	
Date/Time CV Reported Thu, 11/07/2019 5:59 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 11/07/2019 5:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Domenick Camerada	16718	963893	061 PCT
2. POM Brian Henn	19752	950580	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Brian Henn	Discourtesy: Police Officer Brian Henn acted discourteously toward § 87(2)(b)	
B.POM Brian Henn	Discourtesy: Police Officer Brian Henn spoke discourteously to § 87(2)(b)	
C.POM Brian Henn	Discourtesy: Police Officer Brian Henn spoke discourteously to § 87(2)(b)	
D.POM Domenick Camerada	Discourtesy: Police Officer Domenick Camerada spoke discourteously to § 87(2)(b)	
E.POM Brian Henn	Abuse: Police Officer Brian Henn threatened to issue summons to § 87(2)(b)	
F.POM Domenick Camerada	Abuse: Police Officer Domenick Camerada threatened to issue summons to § 87(2)(b)	
G.POM Brian Henn	Abuse: Police Officer Brian Henn failed to obtain language interpretation services for § 87(2)(b)	
H.POM Brian Henn	Abuse: Police Officer Brian Henn failed to obtain language interpretation services for § 87(2)(b)	
I.POM Domenick Camerada	Abuse: Police Officer Domenick Camerada failed to obtain language interpretation services for § 87(2)(b)	
J.POM Domenick Camerada	Abuse: Police Officer Domenick Camerada failed to obtain language interpretation services for § 87(2)(b)	

Case Summary

On November 7, 2019, § 87(2)(b) filed this complaint with the CCRB via the DIRAD call processing system on behalf of his aunt, § 87(2)(b).

On November 7, 2019 at approximately 5:00 p.m., Police Officer Brian Henn and Police Officer Domenick Camerada, both of the 61st Precinct, responded to a car accident involving a dispute near 2055 East 14th Street in Brooklyn. § 87(2)(b) one of the involved parties, was at the scene, along with her husband, § 87(2)(b) and others who were involved in the accident. § 87(2)(b) and § 87(2)(b) primarily speak Russian. After unsuccessfully trying to explain the circumstances of the accident to Police Officer Henn and Police Officer Camerada, § 87(2)(b) called a relative of hers, who speaks English well, and asked Police Officer Henn to speak to him on her phone. Police Officer Henn allegedly took the phone, turned it off and threw it into § 87(2)(b)'s car (**Allegation A: Discourtesy – Action – § 87(2)(g)**).

During a conversation with § 87(2)(b) and § 87(2)(b) at the location, Police Officer Henn allegedly used the word “fucking” several times, including saying that their “fucking” language was bad, telling them to call their “fucking” insurance and asking what “fucking” report they wanted (**Allegations B and C: Discourtesy – Word – § 87(2)(g)**). Police Officer Camerada allegedly said that if the couple wanted a report, he would write a “fucking” report that said they were guilty (**Allegation D: Discourtesy – Word – § 87(2)(g)**). At the end of the interaction, both Police Officer Henn and Police Officer Camerada allegedly threatened to issue a summons to § 87(2)(b) for driving a car with a TLC license plate without having a TLC license (**Allegations E and F: Abuse of Authority – Threat of summons – § 87(2)(g)**).

Throughout the entire interaction, neither officer ever obtained language interpretation for § 87(2)(b) or § 87(2)(b) or offered to do so (**Allegations G, H, I and J: Abuse of Authority – Failed to Obtain Language Interpretation – § 87(2)(g)**).

There was no body-worn camera (BWC) video or other video found for this incident (Board Review 18).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Brian Henn acted discourteously toward § 87(2)(b).

§ 87(2)(b) provided a telephone statement on November 19, 2019 (Board Review 01) and a follow-up phone statement on January 15, 2020 (Board Review 02). § 87(2)(b) provided a telephone statement on November 19, 2019 (Board Review 03). She was interviewed at the CCRB on November 22, 2019 (Board Review 04). § 87(2)(b) provided a telephone statement on December 18, 2019 (Board Review 05). He was interviewed at the CCRB on January 30, 2020 (Board Review 06). § 87(2)(b)'s friend, § 87(2)(b), provided a telephone statement on December 19, 2019 (Board Review 07). § 87(2)(b) a witness to the incident, provided a telephone statement on December 17, 2019 (Board Review 08). § 87(2)(b)'s father § 87(2)(b) who witnessed the incident, provided a telephone statement on December 17, 2019 (Board Review 09). None of the witnesses could be reached for follow-up telephone statements. Police Officer Henn was interviewed at the CCRB on February 19, 2020 (Board Review 11). Police Officer Camerada was interviewed at the CCRB on February 19, 2020 (Board Review 12).

It is undisputed that at approximately 5:00 p.m. on November 7, 2019, Police Officer Henn and Police Officer Camerada responded to a car accident near 2055 East 14th Street in Brooklyn involving § 87(2)(b) and § 87(2)(b).

§ 87(2)(b) stated that, after unsuccessfully trying to explain the circumstances of the accident to Police Officer Henn, she told him that she does not speak English well. § 87(2)(b) asked if she could call her nephew § 87(2)(b) and have him explain what had happened. § 87(2)(b) called § 87(2)(b) on her cell phone and handed her phone to Police Officer Henn, who took the phone, turned it off and threw it into § 87(2)(b)'s car through the open window, where it landed on the seat. § 87(2)(b) was nearby at the time, and asked Police Officer Henn why he was acting like that.

In his phone statement, § 87(2)(b) said that when § 87(2)(b) asked Police Officer Henn to speak to her relative on the phone, Police Officer Henn took the phone, said, "Shut off your fucking phone," and threw § 87(2)(b)'s phone into the car. In his CCRB interview, § 87(2)(b) reiterated that Police Officer Henn took § 87(2)(b)'s phone after she asked him to talk to her relative and threw the phone into § 87(2)(b)'s car and added that Police Officer Henn said he did not want to talk. He did not repeat the allegation that Police Officer Henn told § 87(2)(b) to "shut off [her] fucking phone."

None of the witnesses mentioned the incident with § 87(2)(b)'s phone, but none was asked about it in their initial statements and none of the witnesses could be reached for a follow-up statement. Both § 87(2)(b) and § 87(2)(b) were at least a car's length away and may have left the scene by the time the incident allegedly happened, and § 87(2)(b) was not at the scene. It is unclear where § 87(2)(b) was at the time § 87(2)(b)'s phone was allegedly thrown.

Police Officer Henn denied speaking to a relative of § 87(2)(b) on the phone at the scene. Police Officer Henn stated in his CCRB interview that § 87(2)(b) said she knew a police officer whom she was related to. He did not recall if § 87(2)(b) handed him her phone at any point. Police Officer Henn stated that he would remember throwing a phone and did not throw a phone. He denied that § 87(2)(b) made any comments about her level of English.

Police Officer Camerada denied that anyone at the scene told him that they were having difficulty with English. He did not hear anyone tell Police Officer Henn that they did not speak English well. No one asked Police Officer Camerada to speak to someone else on the phone and Police Officer Camerada did not take a phone from anyone at the scene. Police Officer Camerada did not recall anyone asking Police Officer Henn to speak to someone else on the phone.

§ 87(2)(g)

Allegation (B) Discourtesy: Police Officer Brian Henn spoke discourteously to § 87(2)(b).

Allegation (C) Discourtesy: Police Officer Brian Henn spoke discourteously to § 87(2)(b).

Allegation (D) Discourtesy: Police Officer Domenick Camerada spoke discourteously to § 87(2)(b).

§ 87(2)(b) alleged that, during their conversation at the scene of the accident, Police Officer Henn told her and § 87(2)(b) "Yours fucking English is stucket" (she made this statement in English during her CCRB interview). § 87(2)(b) alleged during her phone statement that

Police Officer Henn used the phrase, “Fuck it,” and “Fuck you,” but did not repeat these allegations during her CCRB interview. § 87(2)(b) made no mention of profanity in the initial comments of officers at the scene; she only alleged that Police Officer Henn asked if those at the scene had really waited so long and called his supervisor for the accident, which he considered minor. § 87(2)(b) made no allegations of Police Officer Camerada speaking discourteously but stated during her CCRB interview that Police Officer Camerada did not speak much with her and mostly spoke with her husband, § 87(2)(b).

In his phone statement and CCRB interview, § 87(2)(b) corroborated that Police Officer Henn made a comment which he recalled as, “Your fucking language is really stuck.” § 87(2)(b) stated that this comment was made only to him, but § 87(2)(b) was nearby at the time. § 87(2)(b) also stated that Police Officer Henn made several comments using the word “fuck” or “fucking,” including asking if those at the scene waited for that “fucking” situation, asking what “fucking” report the civilians wanted, and saying it was their “fucking” problem, in addition to the previously-mentioned comment about § 87(2)(b)’s language ability. § 87(2)(b) stated that Police Officer Camerada said he would “fucking” write a report after § 87(2)(b) asked for one repeatedly. § 87(2)(b) also alleged that both officers told him it was not his “fucking” job when he asked about the procedures they followed at the scene.

§ 87(2)(b) stated that, though she does not speak English, she recognized some of the words Police Officer Henn used when talking to § 87(2)(b) and § 87(2)(b) as swears. § 87(2)(b) specifically heard Police Officer Henn use the word “fuck.”

§ 87(2)(b) stated that she heard no profanity or anything that stuck out to her. While the officers were sitting in their car writing a report, a civilian approached the window. An officer asked the civilian to step away from the car. § 87(2)(b) did not mention any profanity being used. § 87(2)(b) and her father, § 87(2)(b) left the scene while § 87(2)(b) and others were still at the scene.

§ 87(2)(b) said that one of the officers stated that the damage was very minor and asked if the people at the scene had really waited so many hours for it. § 87(2)(b) stated that the officers did not raise their voices and that he did not hear any profanity used at the scene. § 87(2)(b) left the scene before receiving a copy of the accident report. He believed that the other party remained at the scene after he left.

Police Officer Henn stated that he told the civilians at the scene, “Call your insurance company,” and not “Call your fucking insurance company.” He denied using the word “fuck” or “fucking” and said that no other officer at the scene used the words “fuck” or “fucking” or said, “Call your fucking insurance.” Police Officer Henn denied using the phrase “your fucking English” or saying anything like “You’re fucking stuck in your language” and said no other officer did. Police Officer Henn did not say, “Are you waiting for this fucking situation” or anything similar, and no other officer made those comments. Neither Police Officer Henn nor Police Officer Camerada said “Get the fuck away” or “You need to shut up your fucking mouth.”

Police Officer Camerada denied using the word “fuck” or “fucking” at the scene and did not recall Police Officer Henn using the word “fuck” or “fucking” at the scene. Neither Police Officer Camerada nor Police Officer Henn made any comments like, “Your fucking English sucks,” “Call your fucking insurance,” “Are you waiting for this fucking accident” or “It’s not your fucking job.” Police Officer Camerada never told anyone at the scene to “Get the fuck away” or that they needed to “Shut up [their] fucking mouth” and did not recall Police Officer Henn making any such comments.

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Brian Henn threatened to issue summons to

§ 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Domenick Camerada threatened to issue summons to § 87(2)(b)

It is undisputed that § 87(2)(b) drove a car with a TLC license plate without having a TLC license. It is also undisputed that no summonses were issued during the incident.

§ 87(2)(b) stated that Police Officer Henn threatened to give her a summons during the interaction, and that § 87(2)(b) told Police Officer Henn that he had no right to do so as § 87(2)(b) was legally allowed to drive her husband's car. § 87(2)(b) was nearby at the time. § 87(2)(b) did not state that Police Officer Camerada threatened to give her a summons.

During his CCRB interview, § 87(2)(b) initially did not mention any officer threatening to issue a summons at the scene. When asked whether an officer said he would write a summons, § 87(2)(b) stated that both Police Officer Henn and Police Officer Camerada said that § 87(2)(b) would receive a ticket for driving a TLC car without a TLC license. § 87(2)(b) was ultimately not issued a ticket.

§ 87(2)(b) stated that Police Officer Henn threatened to write a summons for § 87(2)(b) and § 87(2)(b)

and § 87(2)(b) did not mention either officer threatening to issue § 87(2)(b) a summons.

Police Officer Henn denied threatening to give anyone a summons and was not aware of Police Officer Camerada threatening to give anyone a summons at the scene. When asked if § 87(2)(b) could have been issued a summons, Police Officer Henn stated that, related to the rear-end, they could have been summonsed for "driving too closely." Police Officer Henn was not aware of anything else that § 87(2)(b) could have been summonsed for.

Police Officer Camerada denied telling § 87(2)(b) that he would give her a summons. He did not recall Police Officer Henn telling § 87(2)(b) that he would give her a summons. To the best of his knowledge, there was no reason why he or Police Officer Henn could have given § 87(2)(b) a summons. Though § 87(2)(b) was driving a car with a TLC license plate without a TLC license, she was not using the car for TLC purposes.

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Brian Henn failed to obtain language interpretation services for § 87(2)(b)

Allegation (H) Abuse of Authority: Police Officer Brian Henn failed to obtain language interpretation services for § 87(2)(b)

Allegation (I) Abuse of Authority: Police Officer Domenick Camerada failed to obtain language interpretation services for § 87(2)(b)

Allegation (J) Abuse of Authority: Police Officer Domenick Camerada failed to obtain language interpretation services for § 87(2)(b)

It is undisputed that neither Police Officer Henn nor Police Officer Camerada ever obtained language interpretation services for § 87(2)(b) or § 87(2)(b).

§ 87(2)(b) stated that she told Police Officer Henn that she does not speak English well and asked him if she could call her nephew (who speaks English) to have her nephew explain the situation to Police Officer Henn. She further stated that Police Officer Henn told her that her English was “stuck”

§ 87(2)(b) stated that he was told by Police Officer Henn that his language was “stuck” and possibly that Police Officer Henn did not know what he was talking about. When § 87(2)(b) offered to speak slowly, Police Officer Henn said he (Police Officer Henn) was not understanding § 87(2)(b). § 87(2)(b) corroborated that a relative was called to interpret between the officers and the civilians and that Police Officer Henn refused to talk to this relative on the phone.

§ 87(2)(b) did not address the officers’ alleged failure to provide language interpretation services in her initial phone statement and could not be reached for follow-up questions.

§ 87(2)(b) did not address the officers’ alleged failure to provide language interpretation services in her initial phone statement and could not be reached for follow-up questions. She said that there was some conversation at the scene between the other civilians and the officers, but did not specify who said what to whom.

§ 87(2)(b) did not address the officers’ alleged failure to provide language interpretation services in his initial phone statement and could not be reached for follow-up questions. He did not understand what the officers said at the scene, as he speaks Cantonese and no English. He also did not understand what civilians said at the scene; those in the other car spoke either English or Russian.

Police Officer Henn denied having trouble understanding § 87(2)(b) at the scene. He also denied that she had difficulty understanding him, as she gave Police Officer Henn her license, registration and insurance information when he asked. Police Officer Henn denied that § 87(2)(b) made a comment on the level of her own English ability. He believed her English was “fine.” Police Officer Henn stated that § 87(2)(b)’s English was “perfect.”

As previously mentioned, Police Officer Camerada denied that anyone at the scene told him that they were having difficulty with English and denied hearing anyone tell Police Officer Henn that they did not speak English well. To the best of his understanding, everyone at the scene spoke English “pretty well” so that they could express themselves without a language barrier. No one at the scene told Police Officer Camerada that they were having difficulty with English, and Police Officer Camerada did not hear anyone tell Police Officer Henn that they did not speak English well. Police Officer Camerada had no difficulty understanding the people at the scene and never told the people at the scene that he was having difficulty understanding them. Police Officer Camerada did not recall Police Officer Henn saying that he was having difficulty understanding the people at the

scene.

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] or § 87(2)(b) [REDACTED] have been a party (Board Review 13).
- Police Officer Henn has been a member-of-service for 8 years and has been a subject in 6 CCRB complaints and 17 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- Police Officer Camerada has been a member-of-service for 2 years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of March 2, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (Board Review 17)

§ 87(2)(b) [REDACTED] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
2 [REDACTED] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
0 [REDACTED] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]

Squad No.: 2

Investigator: Rachel Murgu Inv. Rachel Murgu 4/02/2020
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 4/9/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date